

PRACTICE TIPS

Improving Your Interviews with Children

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Evaluators who conduct custody and parenting time evaluations are often challenged when they need to understand children's communication. While we recognize that children are not mini-adults in their ability to provide information, understanding how they think and report what they know can be bewildering. The tips that follow have been developed based on research into children's cognitive and linguistic abilities.

Interviews with children may have many purposes: to learn about the child's relationships with family members, to find out about specific events/incidents, and to determine the child's preference in an access dispute. Forensic interviews with children do not follow the usual rules of conversation that are familiar to them. In ordinary conversation, the adult often knows the answer—"Tell grandma about your solo in the concert"—or provides multiple "leading" prompts—"You know, you sang that song from *Annie*."

Two communication styles are inappropriate when interviewing children for forensic purposes: talking as if they were adults and talking as if they were children. While this may seem puzzling at first, it is a reminder not to use language that children cannot understand, but also not to conduct an interview as we would in an ordinary conversation with our own children.

Use of a Protocol

From the very beginning, every aspect of the interview should have a purpose and not be merely chit-chat. Some interview protocols designed for assessing suspected child abuse (e.g., the *Step-Wise Protocol* designed by John Yuille) recommend three initial stages to the interview that set the tone in a neutral but supportive way. The introduction allows the interviewer to identify their name and role: "My name is Mindy and I talk to kids about their families." The instructions teach the child not to guess and to correct the interviewer. Research has shown that children believe they must answer the questions of authority figures, even if that means guessing, and that they are reluctant to tell an unfamiliar adult when the adult has made a mistake. The Cognitive Interview instructions teach the child that the interviewer will not get mad if the child does not know the answer and that the interviewer wants to know if she makes a mistake. A sample instruction script follows:

"My name is _____ and I talk to children/kids about their families. I'm going to be asking you a lot of questions today. Some will be easy and some will be hard. Some you'll know the answers to and some you won't. If you don't know the answer, I don't want you to guess. So, if I said,

'Where do I live?' what would you say? Sometimes I forget and say things that kids don't understand. If I do that, I want you to tell me. So, if I said, 'Do you feel garrulous today?' what would you say? Sometimes I make mistakes. If I do, I want you to tell me. So if I called you (any name that's not the child's), what would you say? Sometimes I ask the same question more than once. If I do that, it doesn't mean you gave me the wrong answer. It means I either forgot that I asked or I just need to ask two times. Let's start with an easy question. How old are you?" When the child says "I don't know" or corrects the interviewer, it is important to say you are glad she is not guessing and to thank her for helping you get it right.

Establishing the Child's Level of Competence

From the beginning, the interviewer will be (1) listening to see if the child understands the questions; (2) determining if the interviewer understands the answers; (3) deciding whether to adjust the complexity of the questions; and (4) paying attention to signs of coaching or other forms of contamination. Because children do not always perform in keeping with their chronological ages, the interviewer must be sensitive to the appropriate form of the question for the child. Should questions be more concrete or more abstract? Should the language be simplified or made consistent with the child's own usage? Especially with adolescents, not appearing to talk down to them is vital to establishing and maintaining rapport.

Phases of the Interview

Introduction and Instructions

Begin by asking the child, "Do you know why you're here today? Tell me about that." Using open-ended questions will allow the information to be provided from free-recall memory, the most reliable form. Questions such as "Tell me more about that—and then what happened?" and "You said he _____. Tell me more about that" all elicit narratives from the child rather than a few words. Specific questions that begin with "Did your mom" or "When did" do not encourage children to provide all of the information they can recall but serve to limit their reports to just what the interviewer has asked.

Rapport Building

Any topic from sports to after school activities may be used to help the child settle in to the question and answer format the interviewer will use. "You're wearing a Yankees T-shirt. Tell me what you like about them." Rapport-building should be only as long as it takes for the child to be freely offering information. While this varies among children, most become comfortable quickly with an interviewer who is listening attentively.

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be implemented even if their implementation is permitted by the law. Code 976 considers all persons whose father is an Iranian, regardless of being born in Iran or abroad, as an Iranian citizen.

Iran is just one of many countries from which there has never been a successful return through legal means of an abducted child. There are recent stories of parents with written agreements entered as court orders and registered with the Muslim country not a signatory to the Hague Convention, who had agreed in good faith to custody and visitation orders, only to have the father take the children during a regular visitation period back to the country of origin where the government and/or the religious courts granted the father sole custody and denied the mother the right to enforcement of the valid court order.

Sometimes the abduction happens many years after the agreement and sometimes before any court action. How vigilant should the custodial parent be if a separation is being contemplated? In truth, could not an abduction take place with or without restraining orders by simply taking the minor child over our borders to Mexico or Canada and from there to a country friendly to the Muslim countries that refuse to recognize Western laws with regard to the rights of women and children? How careful must a father be to preserve his rights when he suspects alienation to occur and his immigration status is suspect? These are questions plaguing family law custody and visitation practitioners and evaluators in ever-increasing numbers. While parents can learn of the numerous precautions that can be taken and learn to recognize the risk factors, there are no right answers as to how to proceed to protect the rights of a child. Every situation is unique and requires a balance test of Solomonian proportions.

The harm to the child during and after the lengthy court battle over custody that inevitably ensues in these cases at unbelievable cost, financially and emotionally, is exponentially related to the measure of risk involved. With all the protections in place that may seem necessary to prevent flight, the child's relationship with the non-custodial parent can only be artificial, superficial, unsatisfying and distant. The child will be taught not to trust her own parent, often without any reason but for the fact that he comes from somewhere else. Balance that against the opposite scenario where children have been taken from the only home they have ever known, to be raised in a culture foreign to them, and one which is disrespectful and disdainful of their personal rights and freedoms. Those children will live an existence inexplicably and tragically scary to them every day of their lives.

In the course of practice, certain unique case histories have come to define how little we as parents, facilitators, lawyers, judges and evaluators can really do to avoid the unspeakable—the loss of a child through illegal means without access to any legal remedy. Should a parent of Middle Eastern descent presently residing in a country not a signatory to the Hague Convention ever be allowed unsupervised access to the minor child? Does he fit the profile of an abductor simply by being a resident of a country without any diplomatic ties to the United States? Should he be branded as being a potential abductor just because of his nationality, or is more needed? Where do you draw the line as to the foreign parent? Is a bond enough, given the Iranian laws that can ignore our Court's Orders simply by charging a mother with violating her modesty? Depending who you represent or whom you are treating, you may find yourself altering your perception of fairness and necessity. How would you choose?

Frieda Gordon, J.D.; Mannaal Radwan, Assistant Director of Political and Congressional Affairs, Royal Embassy of Saudi Arabia; and Kristine Uhlman/Umhani, International Custody Abduction Expert, will present on international custody issues at AFCC's 42nd Annual Conference, May 18-21, 2005, in Seattle.

Interviews with Children

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The Inquiry

Topics of interest will depend on the purpose of the interview but often include what the child knows about the divorce, what the child likes best and least about each parent, how parents discipline the child, the nature of relationships with siblings and others important to the child, rules in each home, conflict between the parents, how the child feels about the current and past living arrangements, and whether there have been specific problems such as violence or chemical abuse.

Focused questions will direct the child's attention to specific topics. Examples of these questions are: "Tell me what you like about _____ (mom's/dad's new partner)." "Do you have a bedtime at Dad's house? Tell me about that." And "Sometimes when grown-ups drink, they act different. Tell me how your mom acts when she drinks." "When you do something you're not supposed to, what does mom/dad do? What else does she/he do?"

Closure

When finishing the interview, it is important to ask if there is anything else the child wants to tell you. This provides a chance to discuss something that the interviewer has not touched on. Interviewers may also want to allow the child to ask questions to tap into anything that has been on the child's mind and provide useful information about the child's worries. Always thank the child for helping you do your job, for being patient with all your questions, or for letting you get to know her.

Interviews with children for forensic purposes will provide reliable and useful information when the child's competence is facilitated through these techniques.

Mindy Mitnick will present on interviewing children at AFCC's 42nd Annual Conference, May 18-21, 2005.